

Filed for intro on 02/15/2001
SENATE BILL 1770 By
Kyle

HOUSE BILL 1786
By Jones U (Shel)

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35, Part 3, relative to providing for equitable distribution of criminal misdemeanor probationers in counties wherein private companies monitor probationers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-302, is amended by adding the following language as a new, appropriately designated subsection:

(h)

(1) Notwithstanding any provision of this section to the contrary, the clerks of the criminal court and general sessions court in which probation is granted shall distribute criminal misdemeanor probationers on a rotating basis among all private probation companies operating in the county and the county probation office.

(2) The use of private companies to monitor misdemeanor probationers shall be regulated by the clerks of the criminal court and general sessions court in accordance with uniform operational guidelines established by the clerks of the criminal court and general sessions court until establishment of the private probation services council in accordance with the provisions of Tennessee Code

Annotated, Title 16, Chapter 3, Part 9. The clerks of the criminal court and the general sessions court shall develop a common referral form for the order of probation and order of reference (pre-sentence report) and other necessary forms to be utilized by judges in the judicial district, which shall replace forms being used on the effective date of this act. The clerks of the criminal court and the general sessions court shall report the compliance with the rotational system to the administrative judge of the judicial district every six (6) months in order to ensure compliance with this act.

(3) Each company monitoring probationers for the court shall charge the standard monthly fee to the probationer as established by law and shall remit to the county an administrative fee of thirty-five dollars (\$35.00) per probationer assigned in the rotation process. This fee is due on the fifteenth (15th) of the following month. Fees must be kept current or such probation company shall be suspended until fees are paid. If a company is suspended twice for delinquent fees in a calendar year, such company shall be required to appear before the private probation services council for disciplinary action. If a judge waives the standard fee to be paid by an indigent probationer, the administrative fee to be paid by the monitoring company shall likewise be waived. No administrative fees shall be required from the county probation office.

(4) Private probation companies that have met court requirements as of January 1, 2001, shall qualify to participate in the rotation. All other companies must meet guidelines and standards set forth by the private probation services council.

(5) It is an offense for an officer of the court, including a judge or attorney, to knowingly influence, directly or indirectly, the rotation process.

(6) It is an offense for any private, state or county entity that provides probation supervisory services to knowingly attempt to directly or indirectly influence the rotation process.

(7) A violation of subdivisions (5) or (6) is a Class C misdemeanor.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.